



PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/630,488	
	Filing Date	July 30, 2003	
	First Named Inventor	Philip E. Eggers	
	Art Unit	3736	
	Examiner Name		
Total Number of Pages in This Submission	5	Attorney Docket Number	NET 2-099

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Forms 1449 and cited patents and publications	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Gerald L. Smith Mueller and Smith, LPA
Signature	
Date	January 15, 2004

CERTIFICATE OF TRANSMISSION/MAILING

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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In The United States Patent and Trademark Office

In re Application of : Philip E. Eggers, *et al.*
Serial No. : 10/630,488
Filed: : July 30, 2003
For: : Minimally Invasive Instrumentation for Recovering Tissue
TC/AU : 3736
Examiner :
Attorney Docket No. : NET 2-099



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INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is filed in conformity with 37 C.F.R. §§ 1.56, 1.97 and 1.98. Accordingly, copies of the art cited herein are provided:

Patents:

- 1 U.S. Patent No. 6,471,659 B2 by Eggers, *et al.*, entitled "Minimally Invasive Intact Recovery of Tissue," issued October 29, 2002.
- 2 U. S. Patent No. 6,277,083 B1 by Eggers, *et al.*, entitled "Minimally Invasive Intact Recovery Of Tissue," issued August 21, 2001.

Publications:

- (1) Parker, Steve H, "The Advanced Breast Biopsy Instrumentation: Another Trojan Horse?" *Am. J. Radiology* 171: 51-53 (1998).
- (2) D'Angelo, Philip C., *et al.*, "Stereotactic Excisional Breast Biopsies Utilizing the Advanced Breast Biopsy Instrumentation System." *Am J Surg.* 174: 297-302 (1997).
- (3) Ferzli, George S., *et al.*, "Advanced Breast Biopsy Instrumentation: A Critique." *J Am Coll Surg.* 185: 145-151 (1997).
- (4) Rosen, Paul Peter, *Rosen's Breast Pathology*. Philadelphia: Lippincott-Raven Publishers, pp. 837-858 (1997).
- (5) Parker, Steve H, "Needle Selection." *Percutaneous Breast Biopsy* Eds. Parker, *et al.*, Raven Press, New York, pp 7-14 (1993).

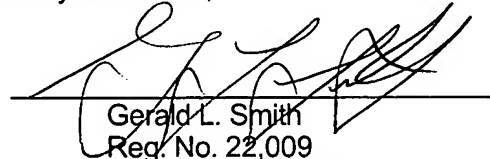


- (6) Parker, Steve H, "Stereotactic Large-Core Breast Biopsy." *Percutaneous Breast Biopsy* Eds. Parker, *et al.*, Raven Press, New York, pp. 61-79 (1993).

It respectfully is submitted that none of the foregoing art, alone or in combination, shows or proposes the present invention. Accordingly, favorable action on the application respectfully is requested.

Respectfully submitted,

Date: 15 Jan 04

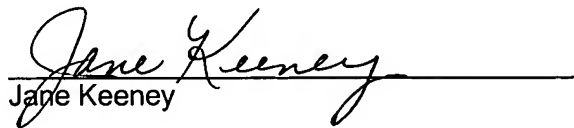


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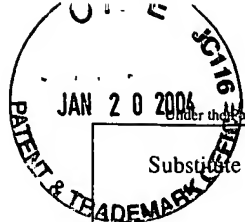
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known		
				Application Number	10/630,488	
				Filing Date	July 30, 2003	
				First Named Inventor	Philip E. Eggers, et al.	
				Group Art Unit	3736	
				Examiner Name		
Sheet	1	of	2	Attorney Docket Number		NET 2-099

U.S. PATENT DOCUMENTS						
EXAMINER INITIALS*	CITE NO. ¹	U.S. PATENT DOCUMENT		Name of Patentee Of Cited Document	Date of Pub. Of Cited Document MM-DD-YYYY	Pages Where Relevant Passages Appear
		Number	Kind Code ² (if known)			
		6,471,659		Eggers, et al.	10-29-2002	
		6,277,083		Eggers, et al.	08-21-2001	

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee Cited Document	Date of Pub. Of Cited Doc MM-DD-YYY	Pages where relevant passages appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation not in conformance and not considered. Include copy of this form with next communication to applicant.
¹Unique citation designation number. ² See attached Kinds of U.S. Patent Documents ³ Enter Office that issued the document, by the two letter code (WIPO Standard ST.3) ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent documents. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English translation is attached.



Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/630,488
				Filing Date	July 30, 2003
				First Named Inventor	Philip E. Eggers
				Group Art Unit	3736
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	NET 2-099

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS					
EXAMINER INITIALS *	CITE NO. 1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the Item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), Publisher, city and/or country where published	T ²		
	1	PARKER, STEVE H. "The Advanced Breast Biopsy Instrumentation: Another Trojan Horse?" <i>Am. J. Radiology</i> 171: 61-53 (1998).			
	2	D'ANGELO, PHILIP C., <i>et al.</i> "Stereotactic Excisional Breast Biopsies Utilizing the Advanced Breast Biopsy Instrumentation System" <i>Am J Surg.</i> 174: 297-302 (1997).			
	3	FERZLI, GEORGE S., <i>et al.</i> "Advanced Breast Biopsy Instrumentation: A Critique", <i>J Am Coll Surg.</i> 185: 145-151 (1997).			
	4	ROSEN, PAUL PETER, <i>Rosen's Breast Pathology</i> , Philadelphia: Lippincott-Raven Publishers, pp. 837-858 (1997).			
	5	PARKER, STEVE H., "Needle,) <i>Percutaneous Breast Biopsy</i> Eds. Parker, <i>et al</i> , Raven Press, new York, pp 7-14 (1993			
	6	PARKER, STEVE H. "Stereotactic Large-Core Breast Biopsy," <i>Percutaneous Breast Biopsy</i> Eds. Parker, <i>et al</i> , Raven Press, new York, pp. 61-79 (1993.			

Examiner Signature		Date Considered	
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